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Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Monroe County Hardwood Lumber Kiln Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Southern Squares Company, Inc., (“Southern”) entered into a November 6th Consent Administrative Order (“CAO”) addressing alleged violations of an air permit. See LIS No. 20-186.

The CAO provides that Southern owns and operates a hardwood lumber kiln facility (“Facility”) in Monroe County, Arkansas.

Activities stated to occur at the Facility include cutting hardwood. The kiln operates pursuant to an air permit.

DEQ personnel are stated to have conducted a compliance evaluation inspection of the Facility on February 20th. Such inspection is stated to have covered the reporting period of April 1, 2014-January 31, 2020.

The inspection is alleged to have determined certain violations described as:

- Failure to maintain records of SN-01’s steam pressure or combustion temperature from April 1, 2014 to January 31, 2020
- Failure to maintain records of the feed rate conversion factor and the waste wood feed conveyor speed, as represented by the number of hertz, at SN-01 at the beginning of each work shift from April 1, 2014 to January 31, 2020
- Failure to conduct a one-time energy assessment and an initial tune-up on SN-01
- Failure to submit a Notification of Compliance Status Report to DEQ within 120 days of the compliance date of March 21, 2014
- Failure to conduct the biennial tune-ups on SN-01
- Failure to submit the biennial Compliance Certification reports for the years of 2016 and 2018 to DEQ

Southern is stated to have submitted a response on April 1 to DEQ and provided the following information:

- Submission of records required by Specific Condition 10 of Permit R3 for the time period of February and March 2020 (post-inspection)
- Submission of records required by Specific Condition 17 of Permit R3 for the time period of February and March 2020 (post-inspection)
- The Facility would conduct the initial tune-up on SN-01 (noting that SN-01 is less than 10 MMBtu, stating, therefore, a one-time energy assessment is not required)
- The Facility would create and submit a Notification of Compliance Status Report to comply
- The Facility would conduct an initial tune-up along with subsequent biennial tune-ups
- The Facility would create and submit the required biennial compliance certification reports

Additional information provided by Southern is stated to include:

- The Facility retained a consulting firm to complete an Administrative Amendment/Modification Application to correct the boiler verbiage in the permit from 300 HP to 250 HP (stating that the boiler is less than 10 MMBtu; therefore, not requiring a one-time energy assessment)
- The Facility submitted a Notice of Compliance on March 21, 2014
- The Facility will complete and document the initial tune-up as well as biennial tune-ups required in the future and have them on file

Southern is stated to have submitted an Administrative Amendment to DEQ on June 23rd to correct the horsepower and MMBtu rating of the boiler to below 300 HP and 10 MMBtu and to remove the requirement of the one-time energy assessment at SN-01. DEQ subsequently denied the Administrative Amendment application. A Permit Modification Application was required to be submitted. Such permit application was subsequently submitted and deemed administratively complete by DEQ on July 24th.

Southern neither admits nor denies the factual and legal allegations contained in the CAO.

Within 30 days of the effective date of the CAO, Southern is required to conduct an initial tune-up of SN-01. Documentation regarding this activity is required to be submitted to DEQ within 60 calendar days of the effective date of the CAO. Further, within 60 days of the effective date of the CAO, a biennial compliance certification is required to be submitted to DEQ along with a Notification of Compliance Status Report.

A civil penalty of \$16,120 is assessed, which could have been reduced to \$8,060 if the document was returned to the agency by November 7th.

A copy of the CAO can be downloaded [here](#).